

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
63rd LEGISLATURE - REGULAR SESSION**

**HOUSE FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS COMMITTEE**

**Date:** Wednesday, January 23, 2013  
**Place:** Capitol

**Time:** 3:00 PM  
**Room:** 472

**BILLS and RESOLUTIONS HEARD:**

**EXECUTIVE ACTION TAKEN:**

HB 188:

**Comments:**

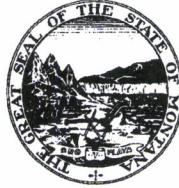
A handwritten signature in black ink, reading "Keith Regier", is written over a horizontal line.

REP. Keith Regier, Chair

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS**  
**COMMITTEE**

DATE: 1-23-2013

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. JESSE O'HARA, VICE CHAIR	✓	
REP. MARY MCNALLY, VICE CHAIR	✓	
REP. TOM STEENBERG	✓	
REP. MIKE LANG	✓	
REP. DAVID MOORE	✓	
REP. DOUG KARY	✓	
REP. KATHY SWANSON		✓ E
REP. ROGER HAGAN	✓	
REP. CARLIE BOLAND	✓	
REP. RAE PEPPERS	✓	
REP. TOM BERRY	✓	
REP. DANIEL ZOLNIKOV	✓	
REP. AUSTIN KNUDSEN	✓	
REP. KEITH REGIER, CHAIR	✓	



## HOUSE STANDING COMMITTEE REPORT

January 23, 2013

Page 1 of 3

Mr. Speaker:

We, your committee on **Federal Relations, Energy, and Telecommunications** recommend that **House Bill 188** (first reading copy -- white) do pass as amended.

Signed: \_\_\_\_\_

*Keith Regier*  
Representative Keith Regier, Chair

**And, that such amendments read:**

1. Title, page 1, line 6.

**Following:** "PRODUCERS;"

**Insert:** "ESTABLISHING CERTAIN PARAMETERS FOR LONG-TERM CONTRACTS  
BETWEEN SMALL POWER PRODUCTION FACILITIES AND UTILITIES;  
GRANTING THE COMMISSION RULEMAKING AUTHORITY;"

2. Title, page 1, line 7.

**Following:** "DATE"

**Insert:** "AND APPLICABILITY DATES"

3. Page 1, line 22.

**Following:** "(a)"

**Insert:** "(i)"

4. Page 1.

**Following:** line 25

**Insert:** "(ii) If a qualifying small power production facility is not eligible to sell electricity to a utility pursuant to a rate schedule approved by the commission, the qualifying small power production facility may enter into a long-term contract to sell electricity only if it is selected by a public utility in a competitive solicitation for long-term electricity supply resources."

5. Page 1, line 26.

**Strike:** "The"

**Insert:** "For a public utility that has contracts with qualifying

**Committee Vote:**

**Yes 9, No 5**

Fiscal Note Required \_\_\_\_

small power production facilities with an aggregate total nameplate capacity, excluding the aggregate total nameplate capacity of qualifying small power production facilities using a primary energy source referred to in 18 CFR 292.202(4), (5), (6), or (8), that is less than 15% of the public utility's average daily load, the"

**Following:** "to"

**Strike:** "a"

**Insert:** "the"

6. Page 1, line 27.

**Strike:** "100 kilowatts"

**Insert:** "3 megawatts"

7. Page 1, line 28.

**Strike:** "The"

**Insert:** "For a public utility that has contracts with qualifying small power production facilities with an aggregate total nameplate capacity, excluding the aggregate total nameplate capacity of qualifying small power production facilities using a primary energy source referred to in 18 CFR 292.202(4), (5), (6), or (8), that is less than 15% of the public utility's average daily load, the"

**Following:** "to"

**Strike:** "a"

**Insert:** "the"

8. Page 1, line 29.

**Strike:** "100 kilowatts"

**Insert:** "3 megawatts"

9. Page 1.

**Following:** line 29

**Insert:** "(iii) For a public utility that has contracts with qualifying small power production facilities with an aggregate total nameplate capacity, excluding the aggregate total nameplate capacity of qualifying small power production facilities using a primary energy source referred to in 18 CFR 292.202(4), (5), (6), or (8), that is equal to or greater than 15% of the public utility's average daily load, the commission shall approve a rate schedule for sales of electricity to the public utility from a qualifying small power production facility with a design capacity of 100 kilowatts or less.

(iv) For a public utility that has contracts with qualifying small power production facilities with an aggregate total nameplate capacity, excluding the aggregate total nameplate capacity of qualifying small power production facilities using a primary energy source referred to in 18 CFR 292.202(4), (5), (6),

or (8), that is equal to or greater than 15% of the public utility's average daily load, the commission may not approve a rate schedule for sales of electricity to the public utility from a qualifying small power production facility with a design capacity of more than 100 kilowatts.

(v) The commission shall limit the new contracts with standard offer rates for qualifying small power production facilities with a design capacity of more than 100 kilowatts to 6 megawatts of total aggregate design capacity in any calendar year."

10. Page 2, line 1.

**Following:** "unreasonable."

**Insert:** "(d) Qualifying small power production facilities that share an interconnection to a public utility are considered one small power production facility for the purposes of eligibility for standard offer rates in accordance with subsection (3)(a) through (3)(c).

(4) Within 90 days of [the effective date of this act], the commission shall adopt rules necessary to implement subsections(3)(a) through(3)(d)."

11. Page 2.

**Following:** line 4

**Insert:** "NEW SECTION. Section 3. Applicability -- retroactive applicability. (1) Except as provided in subsection (2), [this act] applies to:

(a) qualifying small power production facilities that commence commercial operation on or after [the effective date of this act]; or

(b) contracts entered into between qualifying small power production facilities and public utilities on or after [the effective date of this act].

(2) [This act] does not apply to the renewal of a contract between a qualifying small power production facility and a public utility after [the effective date of this act] if the qualifying small power production facility and the public utility entered into the original contract prior to [the effective date of this act].

(3) [This act] applies retroactively, within the meaning of 1-2-109, to rate schedules approved by the public service commission on or after January 1, 2013."

- END -

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS COMMITTEE**

DATE: 1-23-2013 BILL NO 188 MOTION NO. HB018802.asn  
MOTION: Be Amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JESSE O'HARA, VICE CHAIR	✓		
REP. MARY MCNALLY, VICE CHAIR	✓		
REP. TOM STEENBERG	✓		
REP. MIKE LANG	✓		
REP. DAVID MOORE	✓		
REP. DOUG KARY	✓		
REP. KATHY SWANSON	✓		✓
REP. ROGER HAGAN	✓		
REP. CARLIE BOLAND	✓		
REP. RAE PEPPERS	✓		
REP. TOM BERRY	✓		
REP. DANIEL ZOLNIKOV	✓		
REP. AUSTIN KNUDSEN	✓		
REP. KEITH REGIER, CHAIR		✓	

# HOUSE OF REPRESENTATIVES

## Roll Call Vote

### FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS COMMITTEE

DATE: 1-23-13 BILL NO 188 MOTION NO. HB 018801. asH  
 MOTION: Do Pass Be Amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JESSE O'HARA, VICE CHAIR	✓		
REP. MARY MCNALLY, VICE CHAIR	✓		
REP. TOM STEENBERG	✓		
REP. MIKE LANG	✓		
REP. DAVID MOORE	✓		
REP. DOUG KARY	✓		
REP. KATHY SWANSON	✓		✓
REP. ROGER HAGAN	✓		
REP. CARLIE BOLAND	✓		
REP. RAE PEPPERS	✓		
REP. TOM BERRY	✓		
REP. DANIEL ZOLNIKOV	✓		
REP. AUSTIN KNUDSEN	✓		
REP. KEITH REGIER, CHAIR	✓		

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS COMMITTEE**

DATE: 1-23-13 BILL NO 188 MOTION NO. HBO18811. ahs  
MOTION: ~~Do PASS~~ Be Amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JESSE O'HARA, VICE CHAIR	✓		
REP. MARY MCNALLY, VICE CHAIR	✓		
REP. TOM STEENBERG	✓		
REP. MIKE LANG	✓		
REP. DAVID MOORE	✓		
REP. DOUG KARY	✓		
REP. KATHY SWANSON	✓		✓
REP. ROGER HAGAN	✓		
REP. CARLIE BOLAND	✓		
REP. RAE PEPPERS	✓		
REP. TOM BERRY	✓		
REP. DANIEL ZOLNIKOV	✓		
REP. AUSTIN KNUDSEN	✓		
REP. KEITH REGIER, CHAIR	✓		



**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS COMMITTEE**

DATE: 1-23-13 BILL NO 188 MOTION NO. \_\_\_\_\_  
MOTION: Do Pass as amended.

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JESSE O'HARA, VICE CHAIR	✓		
REP. MARY MCNALLY, VICE CHAIR		✓	
REP. TOM STEENBERG		✓	
REP. MIKE LANG	✓		
REP. DAVID MOORE	✓		
REP. DOUG KARY	✓		
REP. KATHY SWANSON		✓	✓
REP. ROGER HAGAN	✓		
REP. CARLIE BOLAND		✓	
REP. RAE PEPPERS		✓	
REP. TOM BERRY	✓		
REP. DANIEL ZOLNIKOV	✓		
REP. AUSTIN KNUDSEN	✓		
REP. KEITH REGIER, CHAIR	✓		

# AUTHORIZED COMMITTEE PROXY

I request to be excused from the FRET

Committee because of other commitments. I desire to leave my proxy vote with:

V.C. Akhalley

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

[illegible][illegible]

Rep.

Kathy Swanson  
(Signature)

Date \_\_\_\_\_

Date 4/23/13



